GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Agriculture & CAD Department – Institution of Lokayukta of Andhra Pradesh, Hyderabad – Complaint No.1584/2012/B2 – Complaint against certain employees of Marketing Department - Disciplinary action initiated against Sri D. Kotaiah, Asst .Engineer (AM), Guntur - Departmental proceedings under Rule 20 of the A.P. Civil Services (CC & A) Rules, 1991 - Articles of charge - Issued.

AGRIULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.RT.No. 15 **Dated: 16-01-2017**

READ:

From the Commissioner & Director of Agriculture Marketing, Govt. of A.P. Guntur Lr.No.Ec-T/63/2015/DEE.II/Report on allegations/Lokayukta, dated 31.10.2016.

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O R D E R:

It is proposed to hold an enquiry against Sri D. Kotaiah, Asst. Engineer (AM), Guntur in accordance with the procedure laid down under Rule 20 of A.P. Civil Services (CC&A) Rules, 1991 for the alleged charges specified herein.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of imputations of misconduct and misbehavior in support of articles of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure. III).

3. Sri D. Kotaiah, Asst. Engineer (AM), Guntur is directed to submit his written statement of defence within (15) days from the date of receipt of this order and also state whether he desires to be heard in person.

4. Sri D. Kotaiah, Asst. Engineer (AM), Guntur is informed that an enquiry will be held only in respect of those articles of charge which is not specifically admitted herein. He should, therefore, specifically admit or deny each articles of charge. He is further informed that adequate opportunity for perusal of records will be made available during the course of inquiry.

5. Sri D. Kotaiah, Asst. Engineer (AM), Guntur is further informed that if he does not submit his Written Statement of Defence on or before the stipulated time, or dose not appear in person before the disciplinary authority to otherwise fails or refuges to comply the with the provisions of Rule 20 of the APPCS (CC&A) Rules 1991, or the orders/directions issued in pursuance of said rules, the inquiring authority may hold enquiry against him ex-parte.

(Contd.2)

6. Attention of Sri D. Kotaiah, Asst. Engineer (AM), Guntur is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules 1964 under which no Govt. servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Govt. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that Sri D. Kotaiah, Asst. Engineer (AM), Guntur s aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.RAJASEKHAR
SPL.SECRETARY TO GOVERNMENT (FAC)

To
Sri D. Kotaiah, Asst. Engineer (AM), Guntur
(Through the Commissioner & Director of Agricultural Marketing, A.P., Guntur)
The Commissioner & Director of Agricultural Marketing, A.P., Guntur.
Copy to:
The AG, AP., Hyderabad.
The Deputy Pay and Accounts Officer, Guntur.
The Agriculture & Cooperation (Marketing I/II) Dept.
SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER

ANNEXURE-1

STATEMENT SHOWING THE ARTICLE OF CHARGES FRAMED AGAINST SRI D. KOTAIAH, ASSISTANT ENGINEER (AM), GUNTUR.

CHARGE-1:

That Sri D.Kotaiah, while working as Assistant Engineer (AM) Guntur has failed to discharge his legitimate duties and failed to follow prescribed procedures in execution of work " Construction of Traders Trade promotion centre and Farmers Information centre in old AMC Yard, Guntur" and has committed lot of irregularities.

B.RAJASEKHAR
SPL.SECRETARY TO GOVERNMENT (FAC)

// FORWARDED BY ORDER //

SECTION OFFICER

ANNEXURE-II

A STATEMENT SHOWING OF IMPUTATIONS OF MISCONDUCT AND MISBEHAVIOUR IN SUPPORT OF ARTICLE OF CHARGES AGAINST SRI D. KOTAIAH, ASSISTANT ENGINEER (AM), GUNTUR.

As per Appraisal report of Institution of Lokayukta vide complaint No. 1584/2012/B2 under Rule 5(8) of the Andhra Pradesh Lokayukta and Upa-Lokayukta (Investigation) Rules, 1984 dt. 11.05.2015, Sri D. Kotaiah, Assistant Engineer (AM), Guntur has derelicted his legitimate duties and pointed out the irregularities committed in execution of the said work as furnished bellow.

1. Without executing certain items (Door-cum-windows worth of Rs. 3,29,438/-) recorded the same in the M-Book and making payment to the contractor is highly irregular, which was clearly mentioned in the report of Deputy Director (Investigations)

2. Payment of Rs. 52,21,000/- made to the contractor i.e 3rd &part bill is contrary to the guide lines issued by the Superintending Engineer(AM), Hyderabad, vide his circular No: Ec-D3/Engg/2009-10, Dt. 23.07.2009

3. When certain items of work were carried out for a value of Rs. 5,78,349/- the payment made to the contractor without the approval of the work slip is not only against the provisions contained in Para No: 187 of APPW 'D' code but also the provisions contained in Article 196 of A.P. Financial code.

4. Allowing the contractor to continue the execution of the work beyond the agreement validity period and without getting E.O.T is also grave irregularity.

5. When the contractor has failed to achieve the targets in getting the work executed i.e. 33% & 67% in the first and second four months respectively as per the agreement conditions, the Assistant Engineer concerned supposed to be brought to the notice of higher officials.

6. Failed to obtain the signatures/ LTIs of the contractor or his authorized agents in the M. Book is contrary to the provisions contained in Article 175 C1(4) of A.P. Financial code.

Thus, the charged officer has mis-utilized the Government funds and it is evident that he has shown gross negligence towards his legitimate duties and violated Rule (3) of Andhra Pradesh civil services (conduct) Rules, 1964.

Hence, the charge.

B.RAJASEKHAR
SPL.SECRETARY TO GOVERNMENT (FAC)

// FORWARDED BY ORDER //

SECTION OFFICER

ANNEXURE-III

LIST OF THE DOCUMENTS BY WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SRI D. KOTAIAH, ASSISTANT ENGINEER (AM), GUNTUR.

1) **Letter Dis.No : 1584/2012/B2/3230/2015 of Registrar, -Institution of Lokayukta for the states of Andhra Pradesh & Telangana dt. 11/05/2015 along with reports of Director (Investigation) and Deputy Director (Investigation) and Judicial orders of upa-Lokayukta.**

ANNEXURE-IV

LIST OF WITNESSES BY WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SRI D. KOTAIAH, ASSISTANT ENGINEER (AM), GUNTUR.

---NIL---

B.RAJASEKHAR
SPL.SECRETARY TO GOVERNMENT (FAC)

// FORWARDED BY ORDER //

SECTION OFFICER